

REMARKS

Claims 1-10, 12 and 13 are pending herein.

The Examiner considers that a lack of unity of invention exists between the compounds encompassed by the compound of formula (I). Applicants elect the invention of Group III and for search purposes, elect as the single species 2-(4-chlorophenoxy-methyl)-2-benzylsulfonylamino-propionitrile which is the subject matter of Example 1.

Reconsideration of the lack of unity requirement is respectfully requested. Thus, Applicants view as appropriate the inclusion in a single application of claims reading on compounds within the scope of formula (I). The compounds represented by formula (I) all contain a common structure which occupies a large portion of their structure. The Examiner cites Jones et al. US 5,317,005 for allegedly showing that the compounds defined in the claims lack a significant structural element qualifying as the special technical feature that defines a contribution over the prior art, however, it is not clear how the Examiner considers the compounds of Jones relevant to the sulfonylamino-acetonitrile compounds of the present claims where Jones fails to teach this common moiety shared by all compounds of the present invention. For these reasons, Applicants submit that the lack of unity requirement should be reconsidered and all compounds within the scope of the pending claims be examined together.

Applicants aver that they have made a complete response to the lack of unity requirement of the Examiner and that the instant application and claims are now in better condition for examination on their merits and for allowance.

As this response is submitted within two months from the mailing date of the Office Action, a one (1) month extension of time is included herewith.

However, in the event the undersigned is mistaken in his calculations, an appropriate extension of time to respond is respectfully requested, and the Commissioner is authorised to debit the appropriate fee for that extension, or any other fee, from the deposit account of the undersigned, no 50-1676 in the name of Syngenta Crop Protection, Inc.

Respectfully submitted,

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Date: May 15, 2007

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AMENDMENT
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